

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

CARLTON BLANKENSHIP,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-08601

SERGEANT TERRY, et al.,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant Sergeant Terry's Motion to Dismiss. (ECF No. 10.) By Standing Order filed in this case on September 6, 2016, this matter was referred to Magistrate Judge Dwane L. Tinsley for submission of Proposed Findings and Recommendation ("PF&R"). (ECF No. 4.) On August 7, 2018, Magistrate Judge Tinsley entered a PF&R in which he recommends that the Court grant Sergeant Terry's motion and dismiss this matter from the docket of the Court. (ECF No. 15.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).


Objections to the PF&R were due on August 24, 2018. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 15), **GRANTS** Sergeant Terry's

motion to dismiss, (ECF No. 10), and **DISMISSES** this action. The Court further **DIRECTS** the Clerk to remove this action from the docket of the Court.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 31, 2018



THOMAS E. JOHNSTON, CHIEF JUDGE